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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 105—L. C., dated 2nd November 1910.

Under Rule 32 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill further to amend the Mysore Chief Court Regulation is published for general information with a statement of objects and reasons:

By Order,

S. HIRIYANNAIYA,

Secretary, Mysore Legislative Council.

A Bill further to amend the Mysore Chief Court Regulation, 1884.

WHEREAS it is expedient to further amend the Mysore Chief Court Regulation, 1884; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Addition of a new sub-section to Section 14 of the Mysore Chief Court Regulation as amended by Regulation II of 1890.

1. The following shall be added as sub-section (4) to Section 14 of the Mysore Chief Court Regulation, 1884, as amended by Regulation II of 1890, namely:—

“(4) All Civil appeals referred to in this section shall be heard and disposed of by a judge of the Chief Court sitting singly. Second appeals against such decisions shall, in cases in which second appeals are allowed by law, lie to a Bench consisting of two other judges of the Chief Court. Where there arises a difference of opinion between the two judges comprising a Bench hearing such a second appeal, the decision shall, notwithstanding anything contained in Section 15 of this Regulation or Section 575 of the Code of Civil Procedure, follow the original decree or order.”

2. For the first thirteen words of sub-section (1) of Section 15 of the Mysore Chief Court Regulation, 1884, as amended by Regulation II of 1890, the following shall be substituted, namely :—
- Amendment of sub-section (1) of Section 15.

“All Criminal appeals other than appeals referred to in Section 13, and all Civil appeals other than appeals referred to in Sections 13 and 14.”

3. The words “or by the Chief Court in exercise of its appellate jurisdiction under Section 14 of the Mysore Chief Court Regulation” shall be inserted after the words “subordinate to the Chief Court” in Section 584 of the Civil Procedure Code, Regulation II of 1884.
- Amendment of Section 584 of the Civil Procedure Code, 1884.

Statement of objects and reasons.

Under Section 14 of the Mysore Chief Court Regulation, appeals from the decisions of Munsiffs and Subordinate Judges in the Bangalore Division lie direct to the Chief Court consequent on the abolition of the District and Sessions Court of Bangalore in 1907. These appeals have, under Section 15 of the said Regulation, to be heard by a Bench of two judges. It is represented by the Chief Court that this arrangement involves considerable loss of valuable time of that Court as cases which are disposed of by a single judge, *viz.*, the District Judge, in the other Divisions of the State have, in the Chief Court, to be heard by a Bench of two judges. With a view to bring the courts of the Bangalore Division into line with the courts of the other two Divisions, and also to facilitate the speedy disposal of work in the Chief Court, which is said to be in a congested state at present, it is proposed, on the recommendation of the Chief Court, to empower a single judge of that Court to hear and dispose of Civil appeals filed under Section 14 of the Chief Court Regulation. This change necessarily involves the grant of a right of second appeal against the decision of the single judge to a Bench of two judges, just as in the case of appeals disposed of in the other two Divisions. The amendment proposed to be made in the Code of Civil Procedure (*vide* clause 3) is consequential to the grant of the right of second appeal above referred to.